

PRESENTED BY
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ACCESSIBILITY COMPLIANCE PRESENTATION

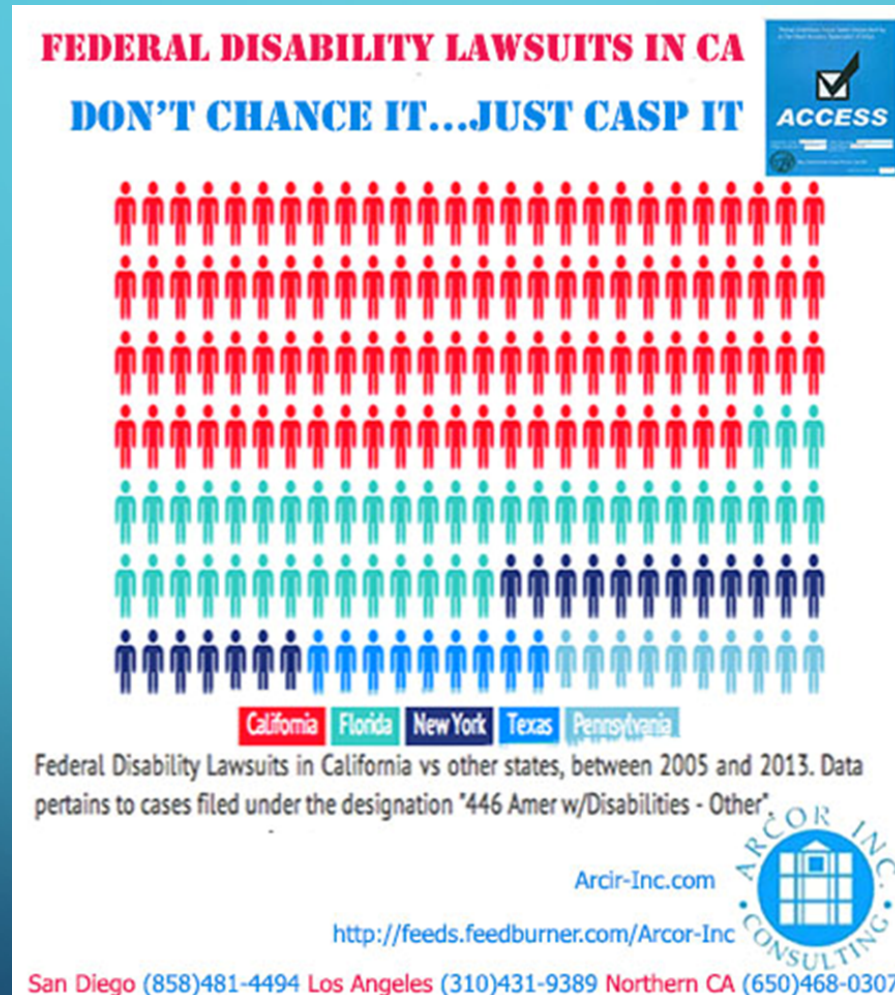
*SILICON VALLEY
ECONOMIC
DEVELOPMENT ALLIANCE*

11/03/2021

WHAT WILL BE COVERED....

- What is ADA?
- Misnomers of ADA
- Accessible Routes / Parking / Curb Ramps / Doorway / Service Areas / Seating / Toilet Facilities
- ADA Specific Signage
- CAsp Certification
- General Order 56
- Accessible Business Entrance Program
- Web Accessibility

CA - 42% OF ALL US ADA LAWSUITS



WHAT IS THE ADA? – FEDERAL (ADA), STATE (CBC)

In California compliance is required with both federal and state disability access requirements

Usually the more stringent takes precedence

A lawsuit can be filed in state and federal court

Compliance is on-going, i.e. for the life of the property

SOME MISNOMERS, MYTHS, LEGENDS & FAIRYTALES

My property is 'Grandfathered' so I don't need to do anything – not true. Regardless of the age or historical importance of a building, if it is open to the public, you must provide access to the goods and services you offer

My property construction was approved by the city so I'm compliant

I can ignore the lawsuit because I'm good to the disabled and don't discriminate

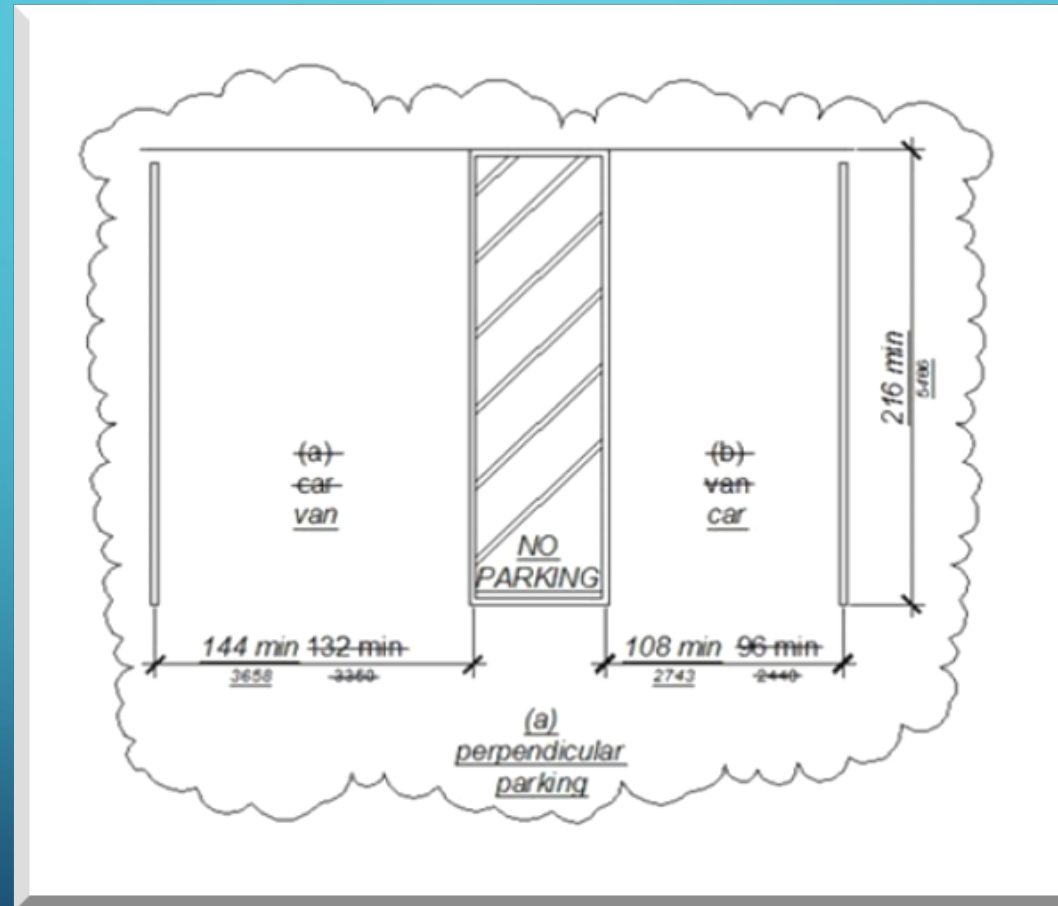
I don't need to comply because it's too expensive to fix anything – low hanging fruit

The standards are always changing, making it hard to stay in compliance – not true. Your facility's compliance is determined by the building code in place when your facility was originally constructed or last altered.

ACCESSIBLE ROUTES

- **11B-206.1 General.** Accessible routes shall be provided in accordance with 11B-206 and shall comply...
- **11B-206.2.1 Site Arrival Points.** At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible.

PARKING



CURB RAMPS

11B-406.2.1 Slope. Ramp run shall have a running slope not steeper than 1:12.

11B-406.2.2 Sides of Curb Ramps. Where provided, curb ramp flares shall not be steeper than 1:10.

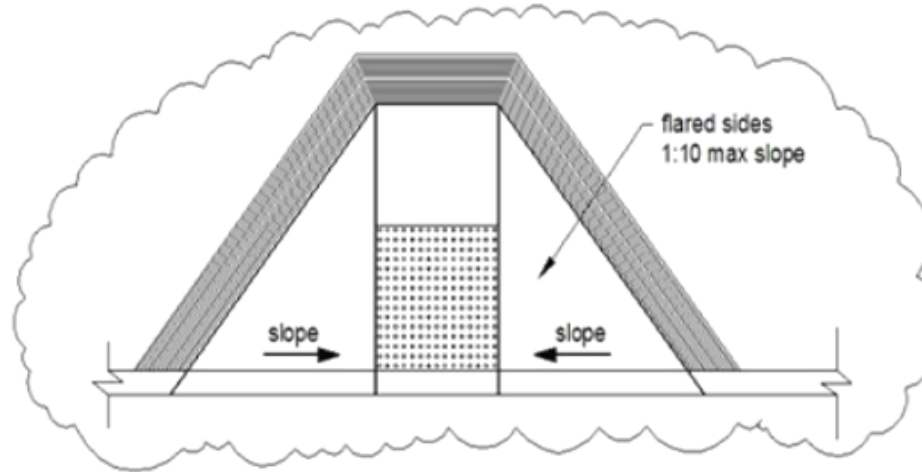
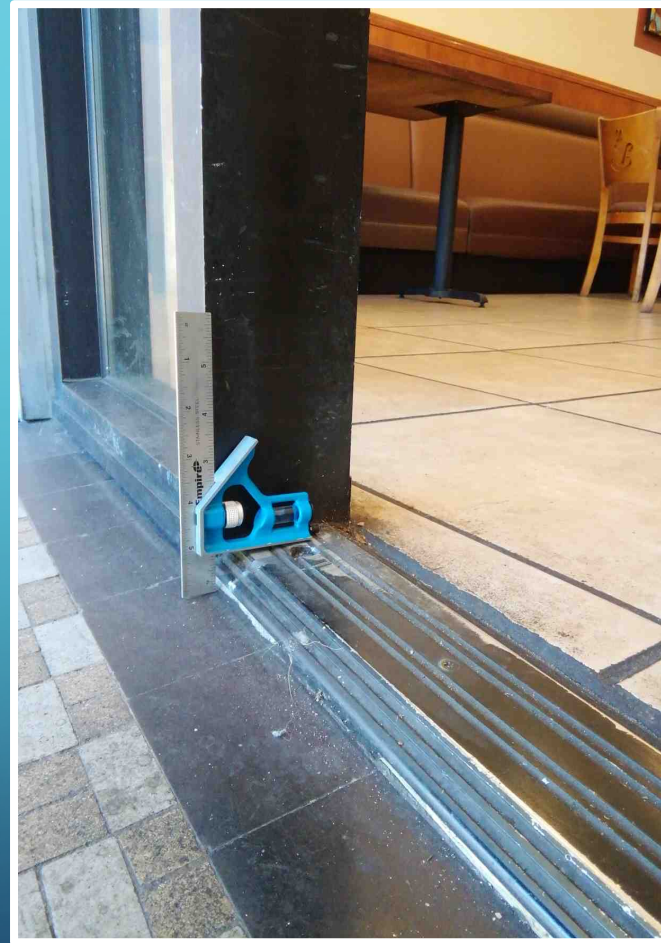
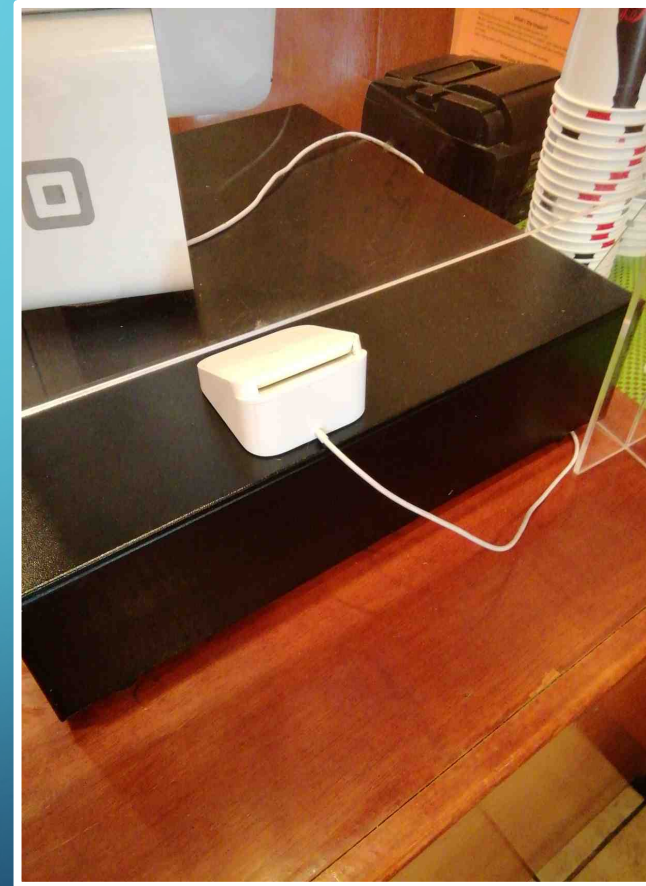


Figure 406.3 11B-406.2.2
Sides of Curb Ramps

DOORWAY



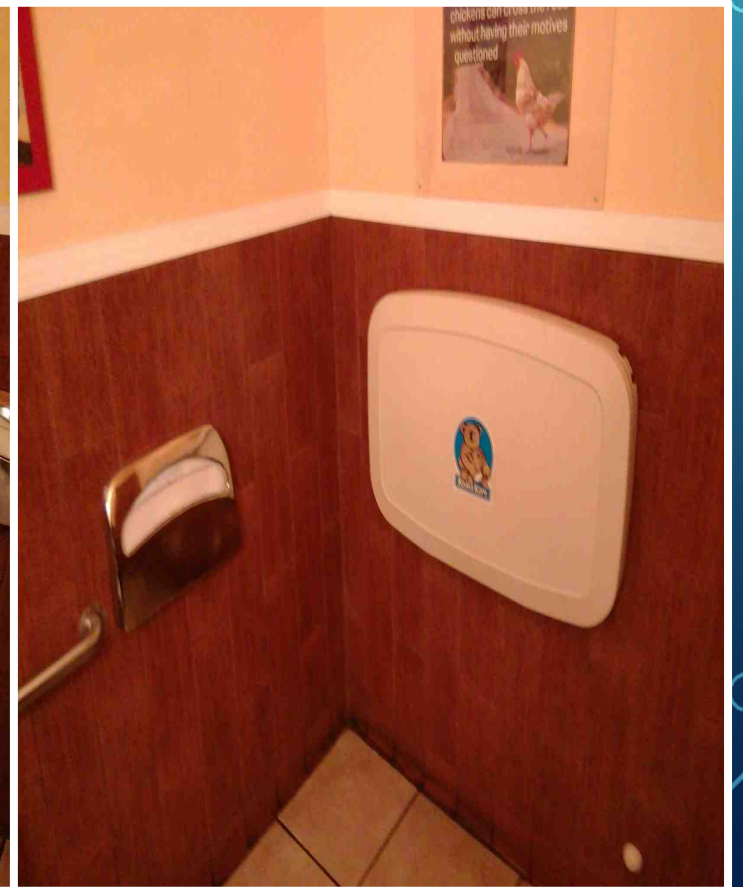
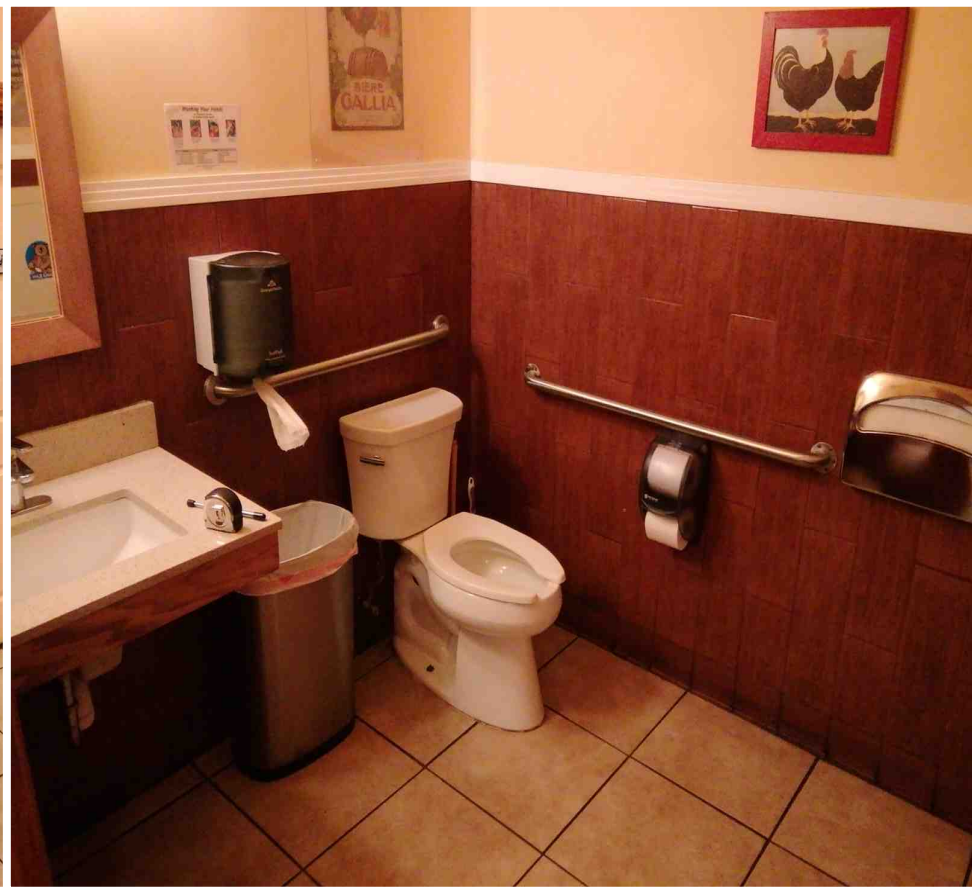
SERVICE AREA





SEATING

TOILET FACILITIES



ADA SPECIFIC SIGNAGE

INT VS EXT / RIGHT VS WRONG

What all gender restroom sign is correct?



The parking sign trifecta!



For more info:
Dyllon@ADAGurus.com

CASP CERTIFICATION (CA ONLY)

Protections...

- Limits damages
- 120 Day dismissal

Psychology of the plaintiff...

- Show them you are an aware target and a not a lucrative target!
 - \$500 (file a lawsuit) - \$1,000 (Damages) = \$500
- Why wouldn't they go to your many *non-certified* neighbors?
 - \$4K-\$12K (damages)



Driveway



Store Front Window

CASP PROPERTY INSPECTION



Having a business/property reviewed by a CASp shows that business owners care about ensuring equal access for all customers



A CASp will know which standards apply to a property based on the age of the facility and its history of improvements



CASp can provide services that offer “qualified defendant” status in a construction-related accessibility lawsuit

CASP QUESTIONS AND ANSWERS

What are the “qualified defendant” status benefits? ANSWER: “qualified defendant” status is only provided if you receive an inspection of your existing facility, a report from a CASp, and have a compliance schedule in place before a construction-related accessibility claim is filed.

CASp benefits - Reduced statutory damages, 90-day stay of court proceeding and an early evaluation conference, let's you know what your potential exposure and costs might be to remediate

Without a CASp inspection, statutory damages of \$4,000 may be assessed per occasion under Civil Code section 55.56; not \$4,000 per each violation as previously allowed under the Unruh Act (Civil Code §52(a)).

Is there a grace period for coming into compliance? ANSWER: A business owner who employs 50 or fewer employees over the past three years and opts to achieve compliance within 120 days from receiving a CASp inspection, completed according to CRASCA, receives a grace period from liability for statutory damages of violations identified in the report for 120 days from the date of inspection...

Who has responsibility for ADA compliance in leased places of public accommodation, the landlord or the tenant? ANSWER: Either or both can be sued



SAN FRANCISCO ACCESSIBLE BUSINESS ENTRANCE PROGRAM— ORD. 51-16

Effective May 22, 2016, the Accessible Business Entrance Program (ABE) requires owners of buildings that serve the public to make their primary entrances accessible for people with disabilities.

“Places of public accommodation” are subject to the ABE and, generally speaking, are businesses that offer goods and services to the public. This includes restaurants, bars, retail stores, dry-cleaners, hotels, daycare centers, nail salons, gas stations, and hair salons.

There are four exemptions: (1) Newly constructed buildings built on or after 2002; (2) Buildings or businesses owned and operated by religious organizations; (3) “Bona fide” private clubs; and (4) Buildings in which all businesses are not public accommodations.

- When a property owner is unable to remove barriers due to technically infeasibility or unreasonable hardship, an application and narrative justifying the request can be submitted to DBI and the Access Appeals Commission. In those cases, an alternate method of providing goods and services to persons with disabilities is required.

GENERAL ORDER 56 NORTHERN DISTRICT

- Supposed to facilitate settlement of cases so don't go through the courts
- Mandatory meet and confer of parties at the location / property
- Plaintiff may present their settlement demand
- Both parties represented by experts with knowledge of the facts
- Can increase costs as attorneys for both parties and experts usually present at mandatory meet and confer

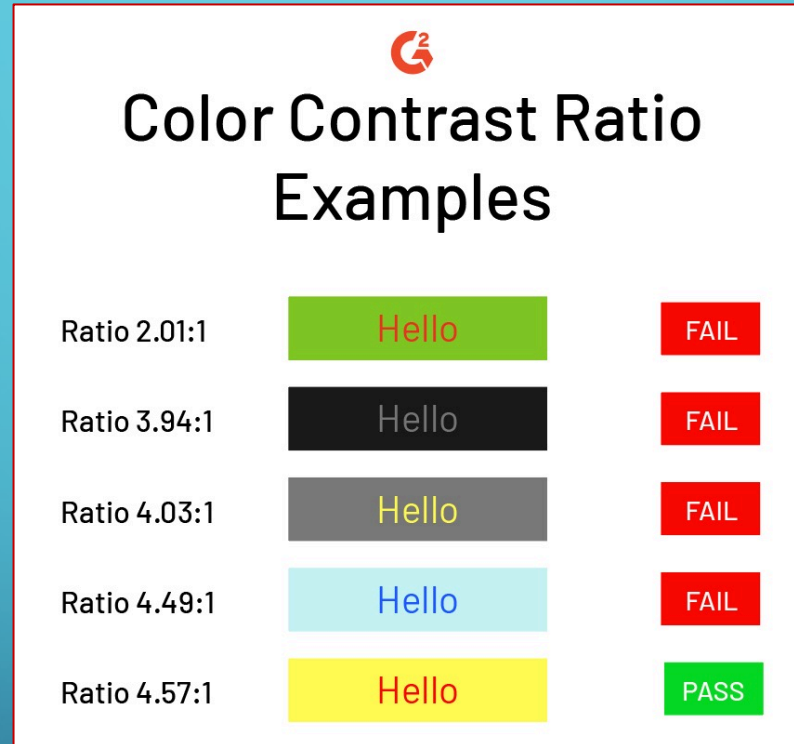
THE WILD WILD WEB (WEBSITE ACCESSIBILITY)

- WCAG Guidelines

- **Automated Scan Report:**
- Ex: Color Contrast: Ratio of text to background.

- ADA Features

- Manual Written Report
- Ex: Describing the accessible amenities of a hotel.



The graphic shows five examples of text 'Hello' on different colored backgrounds. Each example is labeled with a contrast ratio on the left and a result (FAIL or PASS) on the right. The examples are: Ratio 2.01:1 (green background, red text, FAIL), Ratio 3.94:1 (black background, white text, FAIL), Ratio 4.03:1 (grey background, yellow text, FAIL), Ratio 4.49:1 (light blue background, dark blue text, FAIL), and Ratio 4.57:1 (yellow background, red text, PASS).

Ratio	Text	Result
Ratio 2.01:1	Hello	FAIL
Ratio 3.94:1	Hello	FAIL
Ratio 4.03:1	Hello	FAIL
Ratio 4.49:1	Hello	FAIL
Ratio 4.57:1	Hello	PASS

- Lawsuits are on the rise!

- Wild west (not 'real' laws) –but basis is discrimination
- You can be sued from the comfort of the plaintiff's couch
- Thousands of potential violations
- Plugins don't make you accessible (B.Y.O. Ramp to a stair- case)



Get your website checked!
dyllon@ADAWebCheckers.com

ADDITIONAL QUESTIONS AND ANSWERS

What is “readily achievable barrier removal”? ANSWER: According to the ADA facilities ..., must remove barriers to accessing goods and services that are “easily accomplishable and able to be carried out without much difficulty or expense.” This requirement is known as “readily achievable barrier removal.”

What is a Disability Access Inspection Certificate? ANSWER: ...is a record of inspection, not a certificate of compliance. A CASp does not certify that a facility meets compliance with issuance of a Certificate. A Certificate is required to be issued to you with a CASp inspection report whether or not your facility is determined to meet applicable construction-related accessibility standards.

Can my CASp inspection report expire? ANSWER: Your CASp inspection report does not expire and your “qualified defendant” status remains in place provided no additions, alterations, or improvements are made to the inspected area after you have achieved compliance

If I receive a lawsuit claim regarding an access violation, can a CASp still help me? ANSWER: If you receive a construction-related accessibility lawsuit, a review by a CASp of the alleged violations can help determine their validity.

NEED ASSISTANCE?

Email us at info@arcor-inc.com

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